

IN THE CLAIMS

Please amend the claims to read as follows:

Listing of Claims:

1. (Currently Amended) A reception apparatus comprising:
a receiver that receives a control channel including control information and ~~a data channel;~~
a comparator that compares the control information with a reception capability of the reception apparatus for a data channel; and
~~a detector that detects an error in a decoding result of the data channel;~~
a transmitter that, based on a comparison result in the comparator, transmits an ACK signal or a NACK signal for the data channel when the control information is within said reception capability and transmits ~~according to a detection result in the detector;~~ and ~~a controller that receives a comparison output from said comparator and controls the transmitter to transmit neither the ACK signal nor the NACK signal based on a determination that when the control information exceeds the said reception capability of the reception apparatus.~~

2. (Currently Amended) The reception apparatus according to claim 1, further comprising a determiner that determines whether or not the control information is a control information intended for the reception apparatus,

~~wherein, the controller receives a determination output from said determiner and controls the transmitter to transmit the ACK signal or the NACK signal, based on a determination that based on a comparison result in the comparator and a determination result in the determiner, the transmitter transmits the ACK signal or the NACK signal when the control information is within said reception capability and the control channel information is a control channel information intended for the reception apparatus and the control information is within the scope of the reception capability of the reception apparatus.~~

3. (Previously Presented) The reception apparatus according to claim 1, wherein the data channel is received using the control information.

4. (Previously Presented) The reception apparatus according to claim 1, wherein the control channel is HS-SCCH, while the data channel is HS-PDSCH.

5. (Currently Amended) The reception apparatus according to claim 1, wherein when a number of multicodes required to receive the data channel indicated in the control information exceeds a number of multicodes that the reception apparatus is capable of ~~handling~~ receiving, ~~the controller determines that the control information exceeds the reception capability of the reception apparatus~~ transmitter transmits neither the ACK signal nor the NACK signal.

6. (Currently Amended) The reception apparatus according to claim 1, wherein when a modulation scheme used in transmitting the data channel indicated in the control information is a modulation scheme that the reception apparatus is not capable of ~~handling~~ receiving, ~~the controller determines that the control information exceeds the reception capability of the apparatus~~ transmitter transmits neither the ACK signal nor the NACK signal.

7. (Previously Presented) A radio communication mobile station apparatus comprising the reception apparatus according to claim 1.

8. (Currently Amended) A radio communication method used in a radio mobile station ~~that receives a data channel using control information transmitted on a control channel~~, said method comprising:

(a) determining whether a situation exists wherein in which the control information transmitted on a control channel is a control information intended for the radio mobile station apparatus and the control information is within ~~a scope of~~ a reception capability of the radio mobile station apparatus for a data channel, and

(b) transmitting an ACK signal or a NACK signal for the data channel based on a determination that said situation exists, and transmitting neither an the ACK signal or nor a the NACK signal based on ~~an error detection result of the data channel a~~ determination that said situation does not exist.

9. (Currently Amended) A radio communication method used in a radio mobile station, the method comprising ~~the steps of~~:

(a) receiving a control channel including control information ~~and a data channel~~;

(b) comparing the control information with a reception capability of the radio mobile station for a data channel; and

(c) based on a comparison result in step (b), transmitting an ACK signal or a NACK signal for the data channel when the control information is within said reception capability and transmitting neither the ACK signal nor the NACK signal when the control information exceeds said reception capability detecting an error in a decoding result of the data channel; and (d) ~~determining whether to transmit an ACK signal or a NACK signal according to a detection result in step (c) and according to a comparison result in step (b), wherein neither the ACK signal nor the NACK signal is transmitted based on a determination that the control information exceeds the reception capability of the radio mobile station.~~

10. (Previously Presented) The radio communication method according to claim 9, wherein the data channel is received using the control information.

11. (Previously Presented) The radio communication method according to claim 9, wherein the control channel is HS-SCCH, while the data channel is HS-PDSCH.

12. (Currently Amended) The radio communication method according to claim 9, ~~further comprising determining that the control information exceeds the reception capability of the radio mobile station based on a determination that~~ wherein step (b) comprises comparing a number of multicodes required to receive the data channel indicated in the control information exceeds with a number of multicodes that the radio mobile station is capable of handling receiving.

13. (Currently Amended) The radio communication method according to claim 9, ~~further comprising determining that the control information exceeds the reception capability of the radio mobile station based on a determination that~~ wherein step (b) comprises comparing a modulation scheme used in transmitting the data channel indicated in the control information is with a modulation scheme that the radio mobile station is not capable of handling receiving.